

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641- DGC

**PLAINTIFF'S FIRST AMENDED
SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Virgil Wright

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Christine Wright

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Christine Wright, Personal Representative of Estate

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Florida

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Florida

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

Florida Southern District Court

8. Defendants (check Defendants against whom Complaint is made):

C.R. Bard Inc.
 Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

Diversity of Citizenship

Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter
 G2® Vena Cava Filter
 G2® Express Vena Cava Filter
 G2® X Vena Cava Filter
 Eclipse® Vena Cava Filter
 Meridian® Vena Cava Filter
 Denali® Vena Cava Filter

Other: _____

11. Date of Implantation as to each product:

6/23/2015

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
- Count II: Strict Products Liability – Information Defect (Failure to Warn)
- Count III: Strict Products Liability – Design Defect
- Count IV: Negligence – Design
- Count V: Negligence – Manufacture
- Count VI: Negligence – Failure to Recall/Retrofit
- Count VII: Negligence – Failure to Warn
- Count VIII: Negligent Misrepresentation
- Count IX: Negligence *Per Se*
- Count X: Breach of Express Warranty
- Count XI: Breach of Implied Warranty
- Count XII: Fraudulent Misrepresentation
- Count XIII: Fraudulent Concealment
- Count XIV: Violations of Applicable Florida (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- Count XV: Loss of Consortium
- Count XVI: Wrongful Death
- Count XVII: Survival
- Punitive Damages

Other(s): _____ (please state the facts

supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

Yes
 No

RESPECTFULLY SUBMITTED this 9th day of August, 2019.

By: /s/ Matthew R. McCarley

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I hereby certify that on this 9th day of August, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Matthew R. McCarley
Matthew R. McCarley